

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Claims 6-15 are currently pending. Assignee respectfully acknowledges the Examiner's indication that claims 6 and 7 contain allowable subject matter and that claims 8-15 have been allowed. Claims 6 and 7 have been amended to independent form and to incorporate limitations from their respective base claims. Claim 6 has also been amended to correct a minor typographical error. The amendment to claim 6 does not narrow its scope and as such should not result in prosecution history estoppel. Claims 1-5 and 16-22 have been cancelled. However, these cancellations should not result in prosecution history estoppel because Assignee intends to pursue those and/or similar claims in a continuation application. No new matter has been presented. Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

The Examiner's statements of reasons for allowance are hereby acknowledged by Assignee. Assignee agrees that the claimed subject matter is patentably distinct from the documents cited by the Examiner; however, Assignee takes no position regarding the reasons for allowance presented by the Examiner, other than the positions Assignee may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Assignee as an indication of the basis for Assignees' belief that the claims are patentably distinct. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record. While in accordance with 37 C.F.R. §1.104(e), a failure by the Assignee to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Assignee agrees with or acquiesces in the reasoning of the Examiner, here, by this document, Assignee is expressly making clear that no such agreement or acquiescence is present.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Consideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

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